



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2010-00086
	Date Issued: _____	2 March 2010
	Comments Due: _____	1 April 2010

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Chaparral Energy, LLC
701 Cedar Lake Boulevard
Oklahoma City, Oklahoma 73114-7806

AGENT: Belaire Environmental, Inc.
1802 Baywood Drive
Rockport, Texas 78382-3502
Telephone: 361-729-1241
POC: B. J. Hill

LOCATION: The project is located in State Tracts (STs) 12, 13, 19, 20 and 25 in Mesquite Bay, Aransas County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Mesquite Bay, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 14; Easting: 2618257.444; Northing: 3201645.085.

PROJECT DESCRIPTION: The applicant proposes to drill and erect structures in order to produce a new oil and gas well in ST 19, Mesquite Bay, Aransas County, Texas. In addition, the applicant proposes to perform maintenance dredging, via the hydraulic method, on a 5,415-foot-long x 70-foot-wide portion of the Wynne Channel in order to access two existing well sites in STs 12 and 13. Maintenance dredging will result in a finished grade of -6.0 feet MLLW. The applicant will not conduct maintenance dredging on an 875-foot linear portion of the Wynne Channel located between Bludworth Island and Ayers Island. Proposed maintenance dredging for the work basins located within STs 12 and 13 will result in finished grades of -6.0 feet MLLW. In order to access the new well location in ST 19, the applicant proposes to hydraulically dredge a new 7,700-foot-long x 70-foot-wide x 6-foot-deep linear access channel and basin.

The new work basin, located within ST 25, will measure 400 feet x 160 feet with a proposed finished grade of -6.0 feet MLLW. The proposed bottom hole will be located in ST 19, approximately 1,697 linear feet from the surface location in ST 25. A new 3.5-inch-diameter pipeline, measuring 8,000 feet in length, will be installed, via jetting, to a finished grade of -8.5 feet MLLW from the new ST 19 well to an existing production platform in ST 13. The total channel length to be dredged, including both maintenance and new dredging, is approximately 13,990 linear feet. The total area of bay bottom to be impacted as a result of this project is 38.6 acres. Activities associated with this project will result in the removal of approximately 59,700 cubic yards of sand, silt, and clay.

The 59,700 cubic yards of dredged material will be used to create a 12.6-acre Beneficial Use (BU) marsh on the south end of Roddy Island in Mesquite Bay. The BU site will protect heavily used whooping crane habitat on Roddy Island and create 12.6 acres of additional wetlands to replace lost whooping crane habitat. The proposed BU plan calls for the creation of an armored levee system to confine the placement of dredged material. An excavator or clam shell bucket will be used to excavate material from the bay bottom within the BU site to create the levees. The south, east, and west levees will be constructed to a finished grade of +3 feet MLLW and the outer slopes will be armored with articulated block mat. The north shoreward levee of the site would also be constructed to +3 feet MLLW, but left unarmored, and will be reduced to a height of +2 feet MLLW after completion of construction and dredging. Once the levees are constructed, dredged material will be hydraulically pumped to the site and the dredge pipe moved as necessary to achieve a network of low and high tidal marshes intermixed with shallow ponds. Two 20-foot-wide circulation channels will be constructed through the north levee near the east and west ends after the dredged material has consolidated. Weirs or drop gates will be installed in the circulation channels for site dewatering and removed once dewatering of the dredged material is complete. The site will be planted with appropriate wetland plant species once the material has consolidated. Construction of the BU site will fill approximately 1.1 acres of thin, sparsely vegetated seagrass located within a high energy, highly eroded area.

NOTES: This public notice is being issued based on information furnished by the applicant. The applicant's project/beneficial use plans are enclosed in 14 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Railroad Commission certification is required. An easement from the State of Texas will also be required.

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has not reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. Coordination is currently underway with the staff archeologist to determine the presence or absence of historic properties and the effects of the undertaking upon these properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers (Corps), and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **1 April 2010**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Chemaine Koester
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U.S. Army Corps of Engineers
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Corpus Christi, Texas 78411-4318
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